

EV016647336US



PATENT  
Attorney Docket No. 11045.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Richard W. TREVINO, et al.

Serial No. 10/039,070

Filed: December 31, 2001

For: TREADMILL

Examiner:

Art Unit: 3764

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**POWER OF ATTORNEY BY ASSIGNEE**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

As an officer of Hebb Industries, Inc. ("assignee"), I hereby certify that to the best of assignee's knowledge and belief it is the assignee of the entire right, title and interest in and to the above-referenced patent application, and represent that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment document that evidences the placement of title in the assignee, a true and accurate copy which is attached hereto, and understands and believes that this assignment document will be or has been submitted for recordation in the U.S. Patent and Trademark Office.

Assignee hereby appoints on its behalf the following patent attorneys to prosecute the patent application identified above and to transact all business in the Patent Office connected therewith:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventors.

Send all correspondence relating to this matter to:



Lee R. Osman, Esq.  
DORSEY & WHITNEY LLP  
Customer No. 20686  
370 17th Street, Suite 4700  
Denver, Colorado 80202-5647

Direct all telephone calls to Lee R. Osman at 303-629-3434.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 15<sup>th</sup> day of May, 2002.

ASSIGNEE:

HEBB INDUSTRIES, INC.

By Holden J Bank  
Name: HOLDEN J. BANK  
Title: VP, Corporate Counsel  
Address: 1690 38<sup>th</sup> Street  
Boulder, Colorado 80301-2602

## ASSIGNMENT

WHEREAS, we, Richard W. Trevino and Bradley J. Smith, have made a certain new and useful invention relating to a treadmill, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 10/039,070 filed on December 31, 2001, for TREADMILL; and

WHEREAS, we now own the entire right, title and interest therein; and

WHEREAS, Hebb Industries, Inc., a Texas corporation, whose post office address is 1690 38<sup>th</sup> Street, Boulder, Colorado 80301-2602, is desirous of acquiring the entire interest in and to said invention, said application or any continuation, continuation-in-part, divisional, renewal, or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both domestic and foreign, or any reissue or reexamination thereof, to be obtained therefor.

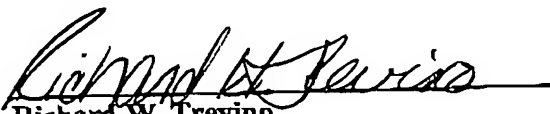
NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto the said Hebb Industries, Inc., and said assignee's legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application or any continuation, continuation-in-part, divisional, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or reexamination thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part, divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing

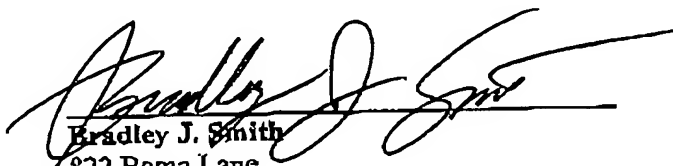
as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

April 9, 2002

  
Richard W. Trevino  
913 David Drive  
Tyler, Texas 75703

April 9, 2002

  
Bradley J. Smith  
822 Bama Lane  
Tyler, Texas 75701



07-08-02

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## CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned hereby certifies that the following documents:

1. Power of Attorney by Assignee;
2. Certificate of Mailing by Express Mail; and
3. Return Card

relating to the above application, were deposited as "Express Mail," Mailing Label No. EV 016647336 US with the United States Postal Service, addressed to Commissioner of Patents, Washington D.C. 20231, on this 3rd day of July, 2002.

July 3, 2002

Kristi Murray

Mailer

Signature of Mailer